

workforce education more affordable. It is time to help our seniors, extend middle-class tax cuts, combat climate change, and build back better.

#### HONORING MICHAEL K. DEMICHAEL

(Mr. RODNEY DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODNEY DAVIS of Illinois. Madam Speaker, I rise today in honor of Michael DeMichael of my hometown of Taylorville, Illinois, who passed away on August 17 at the age of 69.

Mike was a true lover of sports, especially when it came to coaching. He began as the coach of the seventh grade Terriers basketball team. His coaching career lasted over 20 years, taking teams to the State tournament on four occasions. He loved the game, but his true passion was caring for the kids he coached throughout the years.

Mike gave back to our community in many ways. He was a member of St. Mary's Catholic Church, the Knights of Columbus, and the Moose Lodge. He was a founding member of the Sertoma Club, the Taylorville Public Schools Foundation, and the Lakeshore Golf Course improvement committee. He was also a member of the Taylorville Junior High Terriers Sports Boosters, the High School Band Boosters, and the Tornado Open.

His passing is a loss for our Taylorville community and everyone who had the pleasure of knowing him. Shannon and I send our thoughts and prayers to his wife, Karen; his children, Brent and Susie; his grandchildren, Hudson, Hayden, Peyton, and Brayden; his brother, Tony; his sister, Patricia; and the rest of his family.

May my friend Mike rest in peace.

#### ATROCITY IN AFGHANISTAN

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, we got a couple of calls at the office today. We got numerous calls. But two veterans fighting in Afghanistan wept in the calls about the sacrifices that they made, the friends they had lost fighting in Afghanistan, and the Afghan people.

I have been meeting with Northern Alliance leaders for a decade or so. They have asked not that we stay forever. We couldn't do that, and they didn't want us to do that. But they said: Whatever you do, leave us in a position to fight the Taliban when you are gone because if you don't, they will kill every one of us who fought for you and with you, and then there will be nobody to fight them after you are hit worse than you were on 9/11.

This is an atrocity. Let's leave the Northern Alliance the weapons that the Taliban should never have, and let's get the Americans out.

#### CELEBRATING THE LIFE OF WANDA RIDDLE

(Ms. VAN DUYNE asked and was given permission to address the House for 1 minute.)

Ms. VAN DUYNE. Mr. Speaker, I rise today to celebrate the life of Wanda Riddle of Irving, Texas, who passed on August 5, 2021. She was a great friend and faithful supporter of our community for over 35 years.

Wanda was known as the mayor of south Irving and had a heart for public service. We have been fortunate to hear stories from her family over the past few weeks, which painted a picture of her life.

Wanda and her late husband, Jim, started a family and raised their sons Rick, Ron, and Rod in Irving. They left a lasting impact on their community through the Jim and Wanda Riddle Memorial Scholarship, which is set to award a student-athlete from Nimitz High School a \$1,000 scholarship annually.

Wanda's passing was a great loss for Irving and everyone who had the pleasure of knowing her. Our community would not be the same without Wanda's guidance, friendship, and support.

May God continue to bless the community and the Riddle family at this difficult time.

#### REMEMBERING FRANK KOHLER PEEPLES

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to remember and honor Frank Peebles of Savannah, Georgia, who passed away on August 18 at the age of 93.

Frank's accomplishments in life are nothing less than remarkable. He graduated from the Georgia Institute of Technology and earned a degree in industrial engineering. Under the leadership of Coach Bobby Dodd, Frank made history as the first sophomore to become head manager of the football team. He was inducted into the Georgia Tech School of Engineering Hall of Fame and the Athletic Hall of Fame for his remarkable achievements.

Following graduation, he served this country in the Korean war in the United States Army. After the war, Frank achieved a global reputation as an entrepreneur, inventor, and businessman. Frank's pride in his service to his country and community is remarkable, and I am honored to recognize him today.

My thoughts and prayers are with his family, friends, and all who knew him during this most difficult time.

#### UPHOLDING THE LEGACY OF THE HONORABLE JOHN LEWIS

(Mr. PANETTA asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, I rise with pride and in support of tonight's passage of the John Lewis Voting Rights Act.

As we know, the right to vote is fundamental to our Nation. That is why we should be doing everything possible not to make it more difficult to vote but to enhance voting rights.

H.R. 4 does that by modifying the Voting Rights Act to restore and strengthen its antidiscrimination enforcement authorities.

Now, in my district, prior to the Shelby decision, we had a voting rights county. But, clearly, the threats to our ability to vote are not limited to my district as this year alone 18 States across the country have passed 30 laws making it harder to vote.

That is why I voted for this bill. That is why John Lewis served and sacrificed, and that is why he crossed the Edmund Pettus Bridge in 1965 and in 2020 when I was honored to cross it with him, hand in hand.

Tonight, we not only upheld the legacy of John Lewis but, by passing H.R. 4, we were able to eventually provide citizens with more opportunity to vote in our democracy.

#### RECOGNIZING ALLYSON RENEAU

(Mrs. BICE of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BICE of Oklahoma. Mr. Speaker, I rise today to recognize an American helping our Afghan allies.

The situation unfolding in Afghanistan is dire, but in the midst of crisis, there is always light to be found. In Oklahoma's Fifth Congressional District, that light is Allyson Reneau.

She took matters into her own hands to help 10 members of an Afghan girls robotics team escape. She has nine daughters of her own and met the girls at a 2019 robotics competition. As the Taliban took over the country, she could not stop thinking about their safety.

Reneau reached out to a friend who worked in the U.S. Embassy in Qatar. They completed the necessary paperwork, the Government of Qatar sent a plane, and the girls were flown to safety.

It is women like Allyson Reneau who remind us that there is always a light in the dark, even if it shines from one lone candle.

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#### THANKING STAFF FOR THEIR HARD WORK

(Mr. MOORE of Utah asked and was given permission to address the House for 1 minute.)

Mr. MOORE of Utah. Mr. Speaker, I rise today to simply tell my team thank you for the work that they have

been putting in in the last several weeks.

The individuals that work in our Washington, D.C. and our Ogden, Utah, district offices are truly the unsung heroes in our world.

I often get the credit by having my name on a bill or my name on an interview, but the work that they have been doing to help our American citizens in Afghanistan and our partners is unprecedented.

All summer we have been dealing with State Department backlogs to get their passports so they can go to Costa Rica or something like that, and they have been doing a very good job. It all turned very real as we have been working around the clock and taking an enormous amount of stress and anguish to do our part.

I hope that the First District of Utah knows that our team is working to do everything we can to help out those families who are directly affected by this.

Our thoughts and prayers are going to a better outcome as we come out of this.

#### EXPLANATORY MATERIAL STATEMENT ON H.R. 4, JOHN R. LEWIS VOTING RIGHTS ADVANCEMENT ACT OF 2021, SUBMITTED BY MR. NADLER, CHAIR OF THE COMMITTEE ON THE JUDICIARY

Mr. NADLER. Madam Speaker, pursuant to section 2 of H. Res. 601, I submit the following materials into the CONGRESSIONAL RECORD as Explanatory Materials for H.R. 4. Taken together, these materials help explain the reasons why H.R. 4 is necessary as well as the reasons for the particular provisions in the bill. The materials are as follows:

1. A section-by-section analysis of H.R. 4, as perfected by the Manager's Amendment;
2. A memorandum explaining the inclusion of key provisions in the bill in light of the records developed in hearings before the House Judiciary Committee and the Committee on House Administration;
3. Testimony of Wade Henderson of the Leadership Conference for Civil and Human Rights, explaining ongoing voting discrimination in certain states;
4. Testimony of Peyton McCrary of George Washington University Law School, explaining the data that supports the coverage formula in H.R. 4;
5. Testimony of Sophia Lin Lakin, Deputy Director of the Voting Rights Project, American Civil Liberties Union, explaining the need for a revised preliminary injunction standard, a Purcell fix, and a burden-shifting test for section 2 vote denial claims;
6. Testimony of Wendy Weiser, Vice President, Democracy, the Brennan Center for Justice, explaining the constitutionality of H.R. 4's geographic coverage formula;
7. Testimony of Jon Greenbaum, Chief Counsel of the Lawyers' Committee for Civil Rights Under Law, explaining the need for the incorporation of a retrogression standard in section 2 and the need for a prescriptive approach to assessing vote denial claims under section 2;
8. Testimony of Bernard Fraga of Emory University regarding evidence in support of the practice-based coverage formula and its demographic thresholds;
9. Letter from the Leadership Conference on Civil and Human Rights and other civil

rights groups in support of H.R. 4 and outlining the need for the bill;

10. Statement of Administration Policy in support of H.R. 4 from the Executive Office of the President;

11. Brennan Center—Racial Voter Suppression in 2020 Executive Summary, outlining the contemporary nature of voting discrimination;

12. Brennan Center—Representation for Some Executive Summary;

13. Brennan Center—Racial Turnout Gap Grew in Jurisdictions Previously Covered by the Voting Rights Act, outlining the reasons why focusing on increases in minority turnout, alone, masks a continuing racial disparity in voter turnout;

14. Brennan Center—Large Racial Turnout Gap Persisted in 2020 Election; and

15. A report prepared by the Subcommittee on Elections of the Committee on House Administration, outlining ongoing voter suppression efforts in various states.

#### SECTION-BY-SECTION ANALYSIS OF JOHN R. LEWIS VOTING RIGHTS ADVANCEMENT ACT OF 2021 FOR THE 117TH CONGRESS AS AMENDED

Section 1. Short Title. Section 1 sets forth the short title of the bill as the "John R. Lewis Voting Rights Advancement Act of 2021" ("VRAA").

Section 2. Vote Dilution, Denial, and Abridgement Claims. Section 2 of the bill would amend Section 2 of the Voting Rights Act of 1965 ("VRA") in response to the Supreme Court's decision in *Brnovich v. Democratic National Committee*. VRA Section 2(a) prohibits states and localities from imposing a voting rule that has the purpose or effect of denying or abridging citizens' right to vote because of race, color, or language minority status. VRA Section 2(b) currently lays out a test for determining when such a violation has occurred, providing that a violation is established if, "based on the totality of the circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."

In response to the *Brnovich* Court's narrowing of Section 2(b) in vote denial cases (and with potential risk for vote dilution cases), the bill creates a bifurcated test, one that would apply to vote dilution claims (e.g., challenges to redistricting or changes in district or jurisdictional boundaries) and vote denial claims (e.g., challenges to changes in voting rules).

Section 2(a) of the bill would amend Section 2(a) of the VRA by making technical amendments to clarify that subsection (b) and new subsections (c), (d), or (e) apply when determining a violation under Section 2(a) of the VRA.

Section 2(b) of the bill amends Section 2(b) of the VRA to preserve the existing "totality of the circumstances" test, and expressly adopt the list of non-exhaustive factors applied by federal courts considering Section 2 vote dilution claims that were outlined in the Supreme Court's 1986 decision in *Thornburg v. Gingles*. Section 2(b) of the bill requires a plaintiff to establish as a threshold matter that 1) the members of the protected are sufficiently numerous and geographically compact to constitute a majority in a single member district; 2) the members of the protected class are politically cohesive; and 3) the residents of that district who are not the members of the protected class usually vote sufficiently as a bloc to enable

them to defeat the preferred candidates of the members of the protected class.

Section 2(b) of the bill also provides that once the plaintiff establishes the required threshold showing, a court must consider a totality of the circumstances analysis with respect to a claim of vote dilution to determine whether there has been a violation of Section 2(A) of the VRA, which must include consideration of the following factors:

(1) The extent of any history of official voting discrimination in the state or political subdivision that affected the right of members of the protected class to register, to vote, or otherwise to participate in the political process.

(2) The extent to which voting in the elections of the state or political subdivision is racially polarized.

(3) The extent to which the state or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the members of the protected class, such as unusually large elections districts, majority vote requirements, anti-single shot provisions, or other qualifications, prerequisites, standards, practices, or procedures that may enhance the opportunity for discrimination against the members of the protected class.

(4) If there is a candidate slating process, whether the members of the protected class have been denied access to that process.

(5) The extent to which members of the protected class in the state or political subdivision bear the effects of discrimination, both public or private, in such areas as education, employment, health, housing, and transportation which hinder their ability to participate effectively in the political process.

(6) Whether political campaigns have been characterized by over or subtle racial appeals.

(7) The extent to which members of the protected class have been elected to public office in the jurisdiction.

Section 2(b) also provides that in conducting a totality of the circumstances analysis under this subsection a court may consider such other factors as the court may determine to be relevant, including 1) whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the protected class, including a lack of concern for or responsiveness to the requests and proposals of the members of the protected class, except that compliance with a court order may not be considered evidence of responsiveness on the part of the jurisdiction; and 2) whether the policy underlying the state or political subdivision's use of such voting practices is tenuous. In making this second determination, Section 2(b) further requires a court to consider whether the qualification, prerequisite, standard, practice, or procedure in question was designed to advance and materially advances a valid and substantiated state interest.

Section 2(b) of the bill also amends Section 2 of the VRA to create a new subsection 2(c) to govern claims of vote denial. Under new subsection 2(c), a violation of Section 2(a) is established if a voting standard, practice, or procedure 1) results or will result in members of a protected class facing greater costs or burdens in participating in the political process than other voters and 2) that the greater costs or burdens are, at least in part, caused by or linked to social and historical conditions that have or currently produce on the date of such challenge discrimination on the basis of race, color, or language minority status. Section 2(b) further states that in determining the existence of a burden, the absolute number or the percent of voters affected or the presence of voters who are not